

Senate Bill 437

By: Senators Mullis of the 53rd, Stoner of the 6th, Powell of the 23rd, Thomas of the 54th, Rogers of the 21st and others

AS PASSED

AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for definitions relative to motor carriers; to provide for exemptions from the requirement of space on license plates for county decals; to provide for commissioners to promulgate regulations regarding registration of vehicles; to provide for annual license fees; to provide for registration and licensing of assembled motor vehicles and motorcycles; to provide for the issuance of certificates of title to owners of assembled motor vehicles and motorcycles; to provide for creation of security interests; to amend Code Section 43-47-2 of the Official Code of Georgia Annotated, relating to definitions relative to the "Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act," so as to redefine the term "rebuilder"; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-2-9, relating to the exemption of certain special license plates from the county name decal requirement, as follows:

"40-2-9.

Any metal special, distinctive, or prestige license plate, except those provided for in Code Sections 40-2-61, 40-2-62, 40-2-74, 40-2-82, and 40-2-85.1 or as otherwise expressly provided in this chapter, shall contain a space for a county name decal. The provisions of this chapter relative to county name decals shall be applicable to all such license plates."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"40-2-11.

(a) The commissioner shall be responsible for the administration of this chapter and may employ such clerical assistants and agents as may be necessary from time to time to enable the commissioner to speedily and efficiently perform the duties conferred on the commissioner in this chapter. The commissioner shall be authorized to delegate any administrative responsibility for retention of applications, certificates of registration, and any other forms or documents relating to the application and registration process to the appropriate authorized tag agent for the county in which the application is made or the registration is issued.

(b) The commissioner shall prescribe and provide suitable forms of applications and all other notices and forms necessary to administer this chapter.

(c) The commissioner may:

(1) Perform any investigation necessary to procure information required to carry out this chapter; and

(2) Adopt and enforce reasonable rules and regulations to administer this chapter."

SECTION 3.

Said title is further amended by revising Code Section 40-2-27, relating to registration of motor vehicles not manufactured to comply with federal emission and safety standards applicable to new motor vehicles, by adding a new subsection to read as follows:

"(d) Before a certificate of registration is issued for an assembled motor vehicle or motorcycle, such assembled motor vehicle or motorcycle shall have been issued a certificate of title in Georgia and shall comply with the provisions of Code Section 40-3-30.1."

SECTION 4.

Said title is further amended by revising subparagraphs (a)(3)(A) and (a)(10)(A) and paragraph (16) of subsection (a) of Code Section 40-2-151, relating to annual license fees for operation of vehicles, as follows:

"(3)(A) For each private commercial motor vehicle in accordance with the owner declared gross vehicle weight rating, as follows:

(i) Less than 18,001 lbs.	25.00
(ii) 18,001 to 26,000 lbs.	38.00
(iii) 26,001 to 30,000 lbs.	45.00
(iv) 30,001 to 36,000 lbs.	70.00

(v) 36,001 to 44,000 lbs.	115.00
(vi) 44,001 to 54,999 lbs.	190.00
(vii) 55,000 to 63,280 lbs.	300.00
(viii) 63,281 lbs. to maximum permitted.	400.00"

"(10)(A) For each commercial motor vehicle operated as a common or contract carrier for hire in accordance with owner declared gross vehicle weight rating, as follows:

(i) Less than 18,001 lbs.	25.00
(ii) 18,001 to 26,000 lbs.	38.00
(iii) 26,001 to 30,000 lbs.	85.00
(iv) 30,001 to 36,000 lbs.	130.00
(v) 36,001 to 44,000 lbs.	215.00
(vi) 44,001 to 54,999 lbs.	365.00
(vii) 55,000 to 63,280 lbs.	575.00
(viii) 63,281 lbs. to maximum permitted.	725.00"

"(16) Heavy earth-moving machinery, fertilizer application equipment, and crop protection chemical application equipment, not including trucks, which are used primarily off the highway shall not be required to be licensed under this article;"

SECTION 5.

Said title is further amended by revising subsections (a) and (b) of Code Section 40-2-152, relating to annual license fees for operation of apportioned vehicles, as follows:

"(a) Except as otherwise provided for in this Code section, the annual fee for all apportionable vehicles not operated as a common or contract carrier for hire in accordance with owner declared gross vehicle weight or combined vehicle gross weight shall be as follows:

(1) Less than 30,001 lbs.	\$ 45.00
(2) 30,001 to 36,000 lbs.	70.00
(3) 36,001 to 44,000 lbs.	115.00
(4) 44,001 to 54,999 lbs.	190.00
(5) 55,000 to 63,280 lbs.	300.00
(6) 63,281 lbs. to maximum permitted	400.00

(b) Except as otherwise provided for in this Code section, the annual fee for all apportionable vehicles operated as a common or contract carrier for hire in accordance with owner declared gross vehicle weight or combined vehicle gross weight shall be as follows:

(1) Less than 30,001 lbs.	\$ 85.00
(2) 30,001 to 36,000 lbs.	130.00
(3) 36,001 to 44,000 lbs.	215.00
(4) 44,001 to 54,999 lbs.	365.00
(5) 55,000 to 63,280 lbs.	575.00
(6) 63,281 lbs. to maximum permitted	725.00"

SECTION 6.

Said title is further amended by adding a new Code section to read as follows:

"40-3-30.1.

(a) As used in this Code section and in Code Section 40-2-27, the term:

(1) 'Assembled motor vehicle or motorcycle' or 'kit motor vehicle or motorcycle' means any motor vehicle or motorcycle that is:

(A) Manufactured from a manufacturer's kit or manufacturer's fabricated parts, including replicas and original designs:

(i) By an owner;

(ii) At the request of the owner by a third-party manufacturer of motor vehicles or motorcycles; and

(iii) Such manufacturer is not manufacturing and testing in accordance with federal safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards;

(B) A new vehicle and consists of a prefabricated body, chassis, and drive train;

(C) Handmade and not mass produced by any manufacturer for retail sale; or

(D) Not otherwise excluded from emission requirements and is in compliance with Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles.

(2) 'Unconventional motor vehicle or motorcycle' means any motor vehicle or motorcycle that is manufactured, including, but not limited to, all-terrain vehicles, off-road vehicles, motorized carts, motor driven cycles, and mopeds, and that is not in compliance with the following:

(A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;

- (B) Applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards; or
 - (C) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, the 'Clean Air Act,' as amended.
- (b) In addition to the requirements contained in Code Section 40-3-30, prior to the issuance of a certificate of title to the owner of an assembled motor vehicle or motorcycle, the owner shall cause such assembled motor vehicle or motorcycle to be inspected in order to establish:
- (1) The existence of a verifiable Manufacturer's Certificate of Origin (MCO) or other verifiable documentation of purchase of all major components; and
 - (2) That such assembled motor vehicle or motorcycle complies with:
 - (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles; and
 - (B) If applicable, federal emission standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, the 'Clean Air Act,' as amended.
- (c) The inspection conducted under subsection (b) of this Code section shall only be for the purpose of establishing that such assembled motor vehicle or motorcycle is eligible to receive a certificate of title.
- (d) The department shall be authorized to charge an inspection fee.
- (e) Unconventional motor vehicles or motorcycles shall not be titled or registered."

SECTION 7.

Said title is further amended by revising paragraph (2) of Code Section 40-3-51, relating to creation of security interest in motor vehicles by the owner, as follows:

"(2) The security interest holder shall immediately cause the certificate of title and application and the required fee to be mailed or delivered to the commissioner or the commissioner's appropriate authorized county tag agent within 30 days of the date of creation of the security interest or lien. If the certificate of title and application and the required fee are not mailed or delivered within such time, the lien or security interest holder shall be required to pay a \$10.00 penalty in addition to the ordinary title fee provided for by this chapter. If the documents submitted in support of the title application are rejected, the party submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the commissioner or the authorized county tag agent for the issuance of title. If the documents are not properly

resubmitted within the 60 day period, there shall be an additional \$10.00 penalty assessed, and the owner of the vehicle shall be required to remove immediately the license plate of the vehicle and return same to the commissioner or authorized county tag agent. The license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the documents, if the documents have not been resubmitted as required under this paragraph; and"

SECTION 8.

Code Section 43-47-2 of the Official Code of Georgia Annotated, relating to definitions relative to the "Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act," is amended by revising paragraph (11) as follows:

"(11) 'Rebuilder' means any person, partnership, limited liability company, firm, or corporation engaged in the business of buying more than two salvage or wrecked motor vehicles per year for the purpose of restoring or rebuilding them with used or new motor vehicle parts, or both, to be sold as motor vehicles."

SECTION 9.

Sections 4 and 5 of this Act shall become effective January 1, 2009. Section 7 of this Act shall become effective July 1, 2009. The remaining sections of this Act shall become effective upon this Act's approval by the Governor or upon this Act becoming law without such approval.

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.